IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 22061 of 2004

Between:

M/s. Sri Dhanyalakshmi Rice Mill, Thotagudem,

Rajupeta Post, Eluru - 534 001,
West Godavari District. Rep. by its Partner,

Mr. K.V.S.R. Anjaneyulu

..... PETITIONER

AND

1 The Commissioner of Commercial Tax, Andhra Pradesh,
Office of the Excise and Commercial Tax Building,

Opposite Gandhi Bhavan, Nampally, Hyderabad.
2 The Deputy Commissioner (Commercial Taxes), Eluru

Divison, Eluru, West Godavari District.
3 The Commercial Tax Officer, Eluru Circle, Eluru,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders or direction or an appropriate Writ more particularly one in the nature of Writ of Mandamus impeaching the Judgment of the Andhra Pradesh Sales Tax Tribunal in T.A.No.423 of 97 dated 21-7-2000(reported in 34 APSTJ at

Page No.153) by declaring the same as per incuriam, bad law, violative of judicial discipline, in nullity and not having binding force and consequently setaside revised orders (1) R.F.No.33/2003-04 dated 25-2-2004 and (2) R.F.No. 53/2003-04 dated 1-3-2004 passed by the 2nd respondent.

Counsel for the Petitioner: MR.P.BALAJI VARMA

Counsel for the Respondents: MR. K. RAJI REDDY (SPL. SC FOR COMMERCIAL TAX)

The Court made the following :

ORDER: (PER BRSR, J)

It is conceded at the Bar that the subject matter that arises for consideration in this writ petition is covered by an order of the Division Bench of this Court in W.P.No.5487 of 2004 and batch, dated 01-04-2004.

Following the said judgment, we dispose of this writ petition and declare that the judgment in W.P.No.5487 of 2004 and batch shall apply to this case as well.

The writ petition is accordingly ordered. There shall be no order as to costs.

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B. SUDERSHAN REDDY, J

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T.CH. SURYA RAO, J

Date:01-12-2004.

VS/grr

To

1 The Commissioner of Commercial Tax,

Andhra Pradesh,(along with a copy of the judgment in

W.P.NO.5487 of 2004 and batch dated 01-04-2004), Office of

the Excise and Commercial Tax Building,

Opposite Gandhi Bhavan, Nampally, Hyderabad.

2 The Deputy Commissioner (Commercial Taxes), Eluru

Division, Eluru, West Godavari District.

3 The Commercial Tax Officer, Eluru Circle, Eluru,

West Godavari District.

4 2CD copies.

5 Two CCs to the Special Standing Counsel for Commercial Taxes(O.U.T).